

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS AT BOSTON

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HEATHER KIERNAN,

Plaintiff,

-v-

CIVIL NO. 04-10131 RBC

ARMORED MOTOR SERVICE OF  
AMERICA, INC., and  
FRANCESCO CIAMBRIELLO

Defendants.

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**PLAINTIFF HEATHER KIERNAN'S OPPOSITION TO THE  
MOTION FOR SUMMARY JUDGMENT FILED BY THE DEFENDANT  
ARMORED MOTOR SERVICE OF AMERICA INC.**

The Plaintiff, HEATHER KIERNAN, hereby opposes the Motion for Summary Judgment filed by the Defendant Armored Motor Service of America, Inc. (AMSA) on the grounds that there exists genuine disputes of material facts and that AMSA is not entitled to judgment as a matter of law.

In support of this Opposition, the Plaintiff files herewith a Memorandum of Facts and Law In Support of her Opposition, as well as a Response to the Defendant's Local Rule 56.1 Statement which is incorporated herein as if fully set forth.

WHEREFORE, your Plaintiff respectfully requests that her motion be GRANTED and the either the Defendants be sanctioned, or alternatively, that the issue of spoliation be bifurcated, and that the Court enter any other relief deemed equitable, just and proper.

Respectfully submitted:  
HEATHER KIERNAN

DATED: February 27, 2006

/s/ William J. McLeod  
William J. McLeod, BBO 560572  
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Certificate of service

In accordance with the rules of this Court, I hereby certify today, February 27, 2006, that I caused a true copy of this document with the Memorandum of Law In Support and all exhibits and attachments to be served on all parties listed below, who are participants in the Court's ECF program:

David Ardito, counsel for Ciambriello  
Allison Romantz, counsel for AMSA

/s/ William J. McLeod  
William J. McLeod